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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,760	06/27/2003	Jon S. McElvain	D/A3253	7172

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EXAMINER

POPOVICI, DOV

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,760	MCELVAIN, JON S.	
	Examiner	Art Unit	
	Dov Popovici	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVICI
PATENT EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/27/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al. (U.S. 2005/0036173 A1)

As to claim 9, Hayashi et al. discloses a method for optimized rendering of objects to be printed on a white background, comprising: rendering objects of a specified type that exist on non-white background (see figure 47D) in a specified manner; and rendering objects of the specified type that exist on white background (see figure 47A) in a fashion different from those specified objects that exist on a non-white background (see figures 47A-F, and paragraphs 0220-0228 on page 14 and see figures 4 and 48, and see figure 40).

As to claim 10, Hayashi et al. discloses wherein the object on white is at least one of a text object, a line art object (see figure 47A, where the object is a text object); (see figures 47A-F, and paragraphs 0220-0228 on page 14 and see figures 4 and 48, and see figure 40).

As to claim 11, Hayashi et al. discloses wherein the specialized rendering occurs for a portion of the object; (see figures 47A-F, and paragraphs 0220-0228 on page 14 and see figures 4 and 48, and see figure 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (U.S. 2005/0036173 A1).

As to claims 12-13, Hayashi et al. does not teach wherein the white background corresponds to colors lighter than a specified threshold, and wherein the specified threshold is at least $L^* = 70$ relative to paper white in CIELAB color space.

The examiner is taking Official Notice that wherein the white background corresponds to colors lighter than a specified threshold, and wherein the specified threshold is at least $L^* = 70$ relative to paper white in CIELAB color space, is well known in the color processing technology.

Therefore, it would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified Hayashi et al. wherein the white background corresponds to colors lighter than a specified threshold, and wherein the specified threshold is at least $L^* = 70$ relative to paper white in CIELAB color space.

It would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified Hayashi et al. so that the white background color selected can be compared to the white paper in the CIELAB color space from color processing purpose, and selecting the white background corresponds to colors lighter than a specified threshold, and wherein the specified threshold is at least $L^* = 70$ relative to paper white in CIELAB color space, is a matter of a design choice.

Allowable Subject Matter

Claims 1-8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art, namely, Hayashi et al. (U.S. 2005/0036173 A1), does not disclose, teach or suggest, the claimed limitations of: associating a new tag called "object on white" with the identified object; defining a new rendering hint for rendering the object of the particular type on a white background with the identified object; and rendering objects with the object on white tag according to the new rendering hint (in combination with identifying an object of a particular type to be printed on a white background, wherein objects of the particular type have predefined rendering hints associated with them, which predefined rendering hints provide optimized rendering of the objects of the particular type on non-white backgrounds) as claimed in independent claim 1. Claims 2-8 are allowed because they are dependent from allowable independent claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dov Popovici
Primary Examiner
Art Unit 2625